

MINUTES

LAKE COUNTY ZONING BOARD

MARCH 1, 2006

The Lake County Zoning Board met on Wednesday, March 1, 2006 in the Commission Chambers on the second floor of the Round Administration Building to consider petitions for rezonings, Conditional Use Permits, and Mining Site Plans.

The recommendations of the Lake County Zoning Board will be submitted to the Board of County Commissioners at a public hearing to be held on Tuesday, March 28, 2006 at 9 a.m. in the Commission Chambers on the second floor of the Round Administration Building, Tavares, Florida.

Members Present:

Timothy Morris, Vice Chairman	District 1
James Gardner, Secretary	District 3
Robert H. Herndon	District 4
Paul Bryan, Chairman	District 5
Donald Miller	Member-at-Large
Larry Metz	School Board Representative

Members Not Present:

Scott Blankenship	District 2
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Staff Present:

Carol Stricklin, AICP, Director, Department of Growth Management
Terrie Diesbourg, Interim Administrative Manager, Planning and Development Services Division
and Comprehensive Planning Division; Director, Customer Services Division
John Kruse, Senior Planner, Planning and Development Services Division
Rick Hartenstein, Senior Planner, Planning and Development Services Division
Stacy Allen, Senior Planner, Planning and Development Services Division
Jennifer DuBois, Senior Planner, Planning and Development Services Division
Sherie Ross, Public Hearing Coordinator, Planning and Development Services Division
Ross Pluta, Engineer III, Engineering Division
Sanford A. Minkoff, County Attorney
LeChea Parson, Assistant County Attorney

Chairman Bryan called the meeting to order at 9 a.m. He led in the Pledge of Allegiance and gave the invocation. He stated that a quorum was present and noted the Proof of Publication shown on the monitor. He explained the procedures to be used in hearing cases on the consent agenda and the regular agenda. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case.

Sanford A. Minkoff, County Attorney, introduced LeChea Parson, Assistant County Attorney.

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Minutes

MOTION by Timothy Morris, SECONDED by Donald Miller to approve the February 1, 2006 Lake County Zoning Board Public Hearing minutes, as submitted.

FOR: Morris, Gardner, Herndon, Bryan, Miller, Metz

AGAINST: None

NOT PRESENT: Blankenship

MOTION CARRIED: 6-0

Discussion of Consent Agenda

Rick Hartenstein, Senior Planner, asked that Agenda No. 1, CUP#06/3/1-2, and Agenda No. 8, PH#35-06-2, be removed from the consent agenda and placed on the regular agenda. A letter of opposition was received yesterday for CUP#06/3/1-2. Staff requested Agenda No. 8 be removed from the consent agenda because there are some issues to be discussed.

Since there was no opposition from the Zoning Board members, Agenda No. 2, PH#37-06-4, and Agenda No. 11, PH#36-06-5, remained on the consent agenda.

CASE NO.: PH#37-06-4
OWNER: Greg Miller
APPLICANT: James Gant

AGENDA NO.: 2

CASE NO.: PH#36-06-5
OWNER/APPLICANT: James A. Scobie

AGENDA NO. 11

MOTION by Robert Herndon, SECONDED by Donald Miller to recommend approval of RP zoning in PH#37-06-4 and C-2 zoning in PH#36-06-5

FOR: Morris, Gardner, Herndon, Bryan, Miller, Metz

AGAINST: None

NOT PRESENT: Blankenship

MOTION CARRIED: 6-0

CASE NO.: PH#23-06-2

AGENDA NO.: 3

OWNERS: Larry C. and Ann W. Linder

APPLICANT: Cecelia Bonifay, Esquire, Akerman Senterfitt

Rick Hartenstein, Senior Planner, stated that staff is requesting a 30-day continuance of the above case in order to meet with the applicants and obtain additional information. There is a letter from Cecelia Bonifay indicating that she is in agreement with this continuance request.

There was no one in the audience who objected to this continuance.

MOTION by Timothy Morris, SECONDED by Robert Herndon to continue PH#23-06-2 until the April 5, 2006 Lake County Zoning Board Public Hearing.

FOR: Morris, Gardner, Herndon, Bryan, Miller, Metz

AGAINST: None

NOT PRESENT: Blankenship

MOTION CARRIED: 6-0

CASE NO.: MSP#05/11/1-2

AGENDA NO.: 9

OWNER: Rinker Materials Corp.
APPLICANT: Steven J. Richey, P.A.

Rick Hartenstein, Senior Planner, stated that the applicant has requested a 30-day continuance to provide additional information to staff.

There was no one in the audience who objected to this continuance.

MOTION by Timothy Morris, SECONDED by Robert Herndon to continue MSP#05/11/1-2 until the April 5, 2006 Lake County Zoning Board Public Hearing.

FOR: Morris, Gardner, Herndon, Bryan, Miller, Metz

AGAINST: None

NOT PRESENT: Blankenship

MOTION CARRIED: 6-0

CASE NO.: PH#87F-05-3**AGENDA NO.: 13**

OWNERS: The Plantation at Leesburg Limited Partnership
APPLICANT: Miranda F. Fitzgerald, Esquire, Lowndes, Drosdick,
Doster, Kantor, & Reed, P.A.

Rick Hartenstein, Senior Planner, stated that there are issues to be worked out with the State on this case; it has already been continued several times for this reason. Therefore, the applicant is requesting an indefinite continuance.

Paul Bryan confirmed that this case would be readvertised and reposted when it is to be heard.

James Gardner said he would not be able to support an indefinite continuance. He felt it was a bad policy and unfair to the public.

When Timothy Morris asked if there was an estimate as to how long it would be before this case is heard, Mr. Hartenstein said the case is progressing. However, an indefinite continuance would make it possible for this case not to be placed on the agenda each month. Mr. Morris suggested setting a timeframe such as six months, but Mr. Bryan felt that could create a problem with the public if it was delayed further. In addition, Sanford A. Minkoff, County Attorney, said that each time this case is placed on the agenda, whether it is to be heard or not, there are many property owners who must be noticed.

There was no one in the audience who objected to this continuance.

Mr. Hartenstein stated that he had reposted the property for an indefinite continuance. In addition, the residents of The Plantation at Leesburg have been in contact with him so they are aware of the situation.

MOTION by Donald Miller, SECONDED by Robert Herndon to grant an indefinite continuance to PH#87F-05-3.

FOR: Morris, Herndon, Bryan, Miller, Metz

AGAINST: Gardner

NOT PRESENT: Blankenship

MOTION CARRIED: 5-1

CASE NO.:	PH#30-06-5	AGENDA NO.:	4
OWNERS:	McComb Management, Incorporated, Joseph A. McComb, Peter S. McComb, Virginia F. McComb Trust, Mary Lee Dunstan		
APPLICANT:	Fred Hamilton		
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APPLICANT:	Fred Hamilton		
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OWNER:	Mannon Shaw		
APPLICANT:	Fred Hamilton		

Rick Hartenstein, Senior Planner, stated that Bruce Duncan has recently been hired to represent all these cases. A 60-day continuance has been requested to give Mr. Duncan adequate time to prepare before coming before this Board. He submitted an e-mail from Fred Hamilton requesting the continuance as County Exhibit A.

There was no one in the audience who objected to this continuance.

The applicant was present, but no one had any questions of him.

MOTION by Donald Miller, SECONDED by Robert Herndon to continue PH#30-06-5, PH#31-06-5, and PH#32-06-5 until the May 3, 2006 Lake County Zoning Board Public Hearing.

FOR:	Morris, Gardner, Herndon, Bryan, Miller, Metz
AGAINST:	None
NOT PRESENT:	Blankenship
MOTION CARRIED:	6-0

CASE NO.: CUP#06/3/1-2

AGENDA NO.: 1

OWNER: Susan Engel
APPLICANT: Patricia Fulton

Jennifer DuBois, Senior Planner, presented the case and staff recommendation of approval. As stated earlier, this case was removed from the consent agenda because a letter of opposition was received yesterday from one of the neighboring property owners. She submitted this letter as County Exhibit A.

Paul Bryan asked Ms. DuBois whether staff felt the letter writer's concern about this being a private dirt road could be a problem. Ms. DuBois replied that in her conversations with the applicant, the organization's intent is to offer individual therapeutic and adaptive riding lessons. There will generally be no more than two students at a time. The hours of operation will be limited. They are not intending to have public events on the premises and will use the existing facilities on the site. If they decide to expand the scope of the operation in the future, they would have to come back for an amendment to this Conditional Use Permit (CUP); and if they decide to construct facilities related to the program in addition to the existing facilities, they would be required to go through site plan review. Mr. Bryan confirmed that staff feels the intensity level is such that it would not be a detriment to the condition of the road or the other homes.

When Donald Miller pointed out that this is a deed-restricted neighborhood, Mr. Bryan said that would be a civil matter.

Ronald E. Northcutt, resident on Key Lime Drive, said he and his wife have several concerns. Being long-time residents, they are aware of the history of the Woodlands Camp and the fact that many of the horses there were donated and quarantined due to encephalitis. He would like to know that all the horses that are being moved on this property are negative. They have horses and there are other horses in the neighborhood. He was also concerned about the road as the residents own this road and are responsible for its upkeep. He did not want an extra cost to maintain this road due to additional traffic from this facility. He was also concerned that this could lead to a heavy commercial operation as it sounds like there could be some future expansion. He did not want to live next to a training center. At the request of Timothy Morris, Mr. Northcutt pointed out the location of his property. When Mr. Bryan asked the condition of the road, Mr. Northcutt said it has gravel on it. Another neighbor, David Long, has an excavating company and has taken care of the maintenance of the road. Mr. Bryan reiterated that staff was of the opinion that the CUP is limited to the extent that they did not think the impact would deteriorate the surface of the road.

Susan Engel and Patricia Fulton were present to represent the case. Ms. Fulton, Director of Horses for Riders with Disabilities (HeRD) said she understood the concerns of the neighbors. As far as the equine infectious anemia that Mr. Northcutt referred to, Woodlands Camp was a quarantine facility for those horses for many years. However, as of August 1999, they have not had any positive horses. The Department of Agriculture controls movement of positive horses very carefully. If they had positive horses, they would not be able to move them to a property adjoining a property with horses. However, they do not have any positive horses.

As far as the road condition and use of the road, Ms. Fulton said they would be happy to contribute to maintaining it as they would be putting most of the wear and tear on the road. They have already spoken to several developers in the area, asking them if they would be willing to help them do that. Being a nonprofit organization, it is easier for them to go to developers and ask for free assistance in doing things like that. Like the other neighbors, they also want the road maintained.

When Mr. Bryan asked how much activity they would expect in a day, Ms. Fulton said it would vary from day to day. They have 60 students with most of them in a private class, which would entail one student, an instructor, and one or two volunteers. The instructor would be present all day, and the volunteers usually stay for several hours at a time. Most classes take place in the afternoon from 1 p.m. to 6 p.m. No more than two classes would take place at one time, with a maximum total number of students for both classes of four.

CASE NO.: CUP#06/3/1-2

AGENDA NO.: 1

OWNER: Susan Engel

PAGE NO.: 2

APPLICANT: Patricia Fulton

When Larry Metz asked about special events on the site, Ms. Fulton said they would like to have an open house when they start. Their intention is to inform neighbors in advance of anything they plan to do to invite them and to make sure the neighbors do not have any concerns. They used to host the Lake County Equestrian Special Olympics, but they are not in a position to do that this year. If they want to do that in the future, they would talk to the neighbors in advance. They want to be good neighbors. Ms. Fulton said there would be no shows or competitions, but they may want to have a fundraiser. However, they would notify the neighbors in advance. Mr. Metz asked if they would be agreeable to adding language to the CUP that would indicate this CUP would be for individual lessons only and no special group events. Ms. Fulton said she would agree to that if that is what it would take to keep this program running. However, it would be nice if they could have an annual fundraiser since they are nonprofit. Mr. Metz said language could be added that the special events could take place if the neighbors consent.

Susan Engel, property owner, said she would not want that language to affect the personal use of her home. For example, she said last year she had a wedding on her property. She did not want to get permission from her neighbors to do something like that. Mr. Metz said he was referring to group special events. Everyone should have the right to use their property for their personal use. Ms. Engel said she had spoken with Mr. Long, as well as some of the other neighbors, and none had a problem at the time. She was not aware of the letter from Mr. Long.

When Robert Herndon questioned the legality of requiring the applicant to obtain signatures from neighbors in order to host a special event, Sanford A. Minkoff, County Attorney, said that would be a difficult provision to enforce.

MOTION by Donald Miller, SECONDED by Robert Herndon to recommend approval of CUP#06/3/1-2, as presented.

Mr. Metz said he still had a concern about the special events on site even though he did not feel Ms. Engel and Ms. Fulton would take advantage of it. However, he did feel there should be some kind of language regarding special events to perhaps limit special events to one event per year and require that it be reasonably related to the uses allowed under the Conditional Use Permit. Mr. Bryan agreed with that concern and said he could not support the motion as it is now stated without an amendment.

AMENDMENT by Donald Miller, SECONDED by Robert Herndon to add language to the Conditional Use Permit that would limit special events on the site to no more than one per year, and the event must be reasonably related to the uses for which the Conditional Use Permit was obtained.

FOR: Morris, Herndon, Bryan, Miller, Metz

AGAINST: Gardner

NOT PRESENT: Blankenship

**MOTION CARRIED: 5-1
AS AMENDED**

CASE NO.: PH#33-06-2

AGENDA NO.: 7

OWNER: South English Congregation of Jehovah's
Witnesses

APPLICANT: Dick Sanders

John Kruse, Senior Planner, presented the case and staff recommendation of approval with conditions. He showed the aerial and site plan from the staff report on the monitor. He pointed out that C. W. Harrell Road is a dirt road, and Sunburst Lane is a paved road. He noted that one letter of opposition had been received.

Paul Bryan commented that one of the main concerns in the letter of opposition was the use of the dirt road rather than the paved road. Mr. Kruse replied that the applicant is planning on using Sunburst Lane as access to the property. Improvements will need to be made at the intersection. Improvements will also be needed from Sunburst Lane down into the property to meet County standards. He pointed out on the aerial the location of the property owned by the letter writer. Mr. Bryan asked if there was a reason why the majority of traffic would use C. W. Harrell Road (dirt road) rather than Sunburst Lane (paved road) for access. Mr. Kruse said that personally he would prefer a paved road to a dirt road. Mr. Bryan said most people prefer a paved road to a dirt road unless there is a significant timesaving.

Dick Sanders was present to represent the case. He said the purpose of this request is to build a Kingdom Hall, which mostly consists of an auditorium for approximately 200 persons. C. W. Harrell Road would be improved to their entrance. He felt this request would have a good impact on this area because currently the property is vacant land that is not well maintained. The project will be well landscaped. The buildings will fit into the infrastructure of the community. In response to Mr. Bryan, Mr. Sanders said they would not be putting anything more on the property than what is shown on the site plan.

Mr. Bryan asked what kind of activity is generally associated with this type of facility. Mr. Sanders said they would meet three times a week in the Kingdom Hall. There would also be people coming to the property to maintain it. There are set times for the meetings. The nearest Kingdom Hall is at capacity.

In response to Robert Herndon, Mr. Sanders said one small meeting is held in the morning for about 20 people. A second meeting is held in the evening. There are several meetings on Sunday. The maximum number of people at a meeting would be 200. If a larger occasion is held where more people would be in attendance, another facility would be rented.

Donald Miller was informed by Mr. Sanders that construction hopefully would begin by the end of the year. City of Clermont water and sewer will be utilized.

Ryan Schultz, adjacent property owner, said the dirt road is a well-used cut through. It is currently used by numerous residents of the Maronda Homes project. He was concerned that it would get worse when a traffic light is placed at the intersection of Johns Lake Road and Hancock Road. He agreed that central water is available, but sewer is not. When he contacted the County, he was told he could not access the sewer lines from Maronda Homes. Regarding access to the property, there is a five-foot elevation difference coming off Sunburst Lane to the dirt road. He was also concerned about 200 people meeting three days a week with the hours being open ended. He felt this would affect his quality of life. If this is approved, he would like to see the hours limited for more appropriate times. He also spoke of the safety of the children in the area. He said this is the fifth church that has tried to acquire property in a very small area within the past eight months. He questioned what the driving force might be for that. Larry Metz felt it was market forces, availability and price of the land, and the needs of the population. The amount of land needed for a church is available in this area but may not be in an area where there is already considerable population. Mr. Schultz said his main concern is the high volume of traffic in the middle of a neighborhood. When he questioned whether the road could handle emergency vehicles, Mr. Bryan said there are certain requirements that must be met. If these issues cannot be addressed, the project would not be approved.

CASE NO.:	PH#33-06-2	AGENDA NO.:	7
OWNER:	South English Congregation of Jehovah's Witnesses	PAGE NO.:	2
APPLICANT:	Dick Sanders		

In response to Mr. Metz, Mr. Schultz said his property is immediately to the north. Since he maintains the road in front of his property (C. W. Harrell Road), he does not want the additional traffic from a church.

Mr. Kruse explained that Sunburst Lane is a City of Clermont road. The City of Clermont is aware of this project, but the County has received no written comments from them on this project. From speaking to City of Clermont staff, it is his understanding that eventually this property will be within the City limits of Clermont.

Arnoldo Ceballos said he and his neighbors do not have anything against churches. However, they are concerned about the safety of the congregation. He did not feel five acres is large enough for this facility. They do not have sewer lines or fire hydrants for emergencies. C. W. Harrell Road is not a road; it is an easement. There are endangered species in the area. There is only one way in and one way out of this property.

Paula Duke, a resident on Johns Lake Road for 24 years, said C. W. Harrell Road is a one-car road. When it rains, it washes out. The intersection of Hancock Road and Johns Lake Road is a deadly intersection. The traffic light that is to be installed will create a backup from Johns Lake Road past Kings Ridge. In addition, there are three schools in the area. She felt the congregation attending this facility would be using Johns Lake Road to cut across to this easement/dirt road. She did not feel the people and roads can handle anymore.

Mr. Bryan said the roads may be an issue, but the surrounding area is zoned R-1 and R-3. At one time this was a rural area, but it is changing. There is a lot of density in this area.

Esther Long said she lives on the corner of Johns Lake Road and Hancock Road, and there are several accidents at this intersection each month. She stated that none of the residents in this neighborhood have ever been officially notified through the mail about these churches. Mr. Bryan said the County has notice requirements to which they adhere. Her property may have been outside the requirement area. The property is also posted.

Adnane Taifi, adjacent property owner of five acres, was present to represent 13 neighbors. He submitted four petitions (Opposition Exhibit A) and read the language of the petition into the record.

Mr. Sanders said there would be 20 to 30 cars for the evening meeting. Regarding the elevation of the roads, Mr. Sanders said he had a topographical map. It does not show any elevation difference between Sunburst Lane and C. W. Harrell Road. There is no five-foot drop-off as was stated earlier. He reiterated that he felt this would enhance the community. He has driven down Sunburst Lane, and it is wide enough for two fire engines. They will be required to put in fire hydrants, and there must be adequate water pressure. A study has already been done to address that. This property has been vacant for many years. No one else has applied for anything on this property.

In response to Mr. Herndon, Mr. Sanders said the meetings are scheduled for the convenience of the people.

Mr. Kruse reiterated that Sunburst Lane is a City of Clermont road. The applicant must seek a connection permit from the City of Clermont and a driveway utilization permit for C. W. Harrell Road. From his conversation with the City of Clermont staff, it is his understanding that the applicant has already approached them about annexation. Road issues will be addressed during site plan review. The County cannot prohibit people from using C. W. Harrell Road. In response to James Gardner, Mr. Kruse said he has received no written comments from the City of Clermont.

CASE NO.: PH#33-06-2 **AGENDA NO.:** 7
OWNER: South English Congregation of Jehovah's **PAGE NO.:** 3
Witnesses
APPLICANT: Dick Sanders

Timothy Morris said it would appear to be better to annex the property into the City and then apply for a rezoning. Mr. Bryan was informed by Mr. Kruse that this property is contiguous to the City of Clermont. However, the County cannot force anyone to annex. He showed the pictures from the staff report on the monitor and pointed out the location of the water lines. In response to Mr. Bryan, Mr. Kruse said they would be required to meet fire flow requirements and road improvement standards at the County level. These issues will be addressed at site plan review. They could obtain the requested rezoning but not be able to build if they cannot meet all the requirements. If this property was rezoned to a residential use compatible in that area, Mr. Bryan felt the traffic impact would be greater than what it would be under the existing use.

When Mr. Morris asked if the road standards were higher or lower than those for the County, Ross Pluta, Engineer III, said the City standards are stricter.

Mr. Morris said he would consider recommending denial and let them annex into the City of Clermont and build the road to Clermont's standards.

Mr. Sanders said that when they came to the County, they were told to go to the City of Clermont. The City of Clermont said to go through the County to get the zoning change. The City would then talk to them about annexation. The water and sewer for this project would come from the City of Clermont. They submitted an application to the City but have not heard a word from them.

Mr. Bryan said he would not support continuing this case. He would like to vote on the merits of the case.

MOTION by Donald Miller, SECONDED by Timothy Morris to recommend approval CFD zoning in PH#33-06-2.

Mr. Morris asked if there was any way this Board could condition this motion based on road improvements. Mr. Kruse said it is his understanding that the access to the property must be paved to City standards even though it is in the County because it is in the Joint Planning Area (JPA). Until the site plan is reviewed, he could not say how far it must be paved along C. W. Harrell Road. In response to Mr. Bryan, Mr. Kruse said it must be paved to road standards, not driveway standards. Mr. Bryan confirmed that the intersection of Sunburst Land and C. W. Harrell Road must be improved.

FOR: Morris, Herndon, Bryan, Miller, Metz

AGAINST: Gardner

NOT PRESENT: Blankenship

MOTION CARRIED: 5-1

CASE NO.: PH#35-06-2

AGENDA NO.: 8

OWNERS: Ronnie R. Riggs, Robert Allan Foster II,
and Deborah R. Lewis**APPLICANT:** South Lake Lutheran Church

John Kruse, Senior Planner, presented the case and staff recommendation of approval with conditions. He stated that South Lake Lutheran Church just acquired the property so it is now the new owner. He showed the aerial and conceptual plan from the staff report on the monitor, noting that this property is one parcel removed from the City of Clermont. He stated that this had been on the consent agenda, but the applicant indicated that it would like to have the opportunity to possibly construct the school in any of the three phases. County staff could support that change. This request has been through the Development Review Staff (DRS) presubmittal process. If it is approved, some upgrading of the existing residence will be required. He showed the pictures from the staff report, noting that the property is heavily planted in pines. He said the applicant has planted pines to use as a 30- to 35-foot buffer of the proposed Phase I structure. This property is in the Clermont Joint Planning Area (JPA), which has strict landscaping standards. The applicant would also like to have a cell phone tower on the site; it would be camouflaged as a steeple or cross.

Regarding the pine tree buffer, Paul Bryan asked if staff had consulted the City of Clermont. When Mr. Kruse said he had not, Mr. Bryan asked if that could be done prior to the Board of County Commissioners (BCC) public hearing. Mr. Bryan asked if staff had put a limitation on the amount of time that the RVs could be on the site. Mr. Kruse said a two-year time limit from the time the building permit was received could be added.

Eloise Sahlstrom was present to represent the case. She pointed out that this property is in the Urban Expansion Future Land Use Category. She submitted a visual with some road connections as Applicant Exhibit A. Even though this property currently has Agriculture zoning, this is not a rural area. It is very much in transition. She explained that the small "x" on Applicant Exhibit A is the subject site. This exhibit is a drawing taken from the County's 20-Year Transportation Plan. It shows that this site is easily accessed by the current road network and by future roads that are proposed to connect. She noted that the intersection of Hancock Road and Johns Lake Road is slated for a traffic light to be installed this year. They anticipate that this light will be in place prior to the beginning of construction of the church.

Ms. Sahlstrom said they have no plans for a school at this time, but they were advised to mention anything they may want to do to the site in the future. The school would have no more than 40 students and be open to the public at large. The existing pine trees on the site are very healthy. It is their intent to retain as much of that existing vegetation as possible while accommodating their phasing. They want to maintain the pines as a buffer to the existing residential properties as well as along Johns Lake Road. They understood that they must discuss landscaping with the City of Clermont, which they intend to do. She is a landscape architect.

Ms. Sahlstrom added that this property would be connecting to City of Clermont water. It is their understanding that the Comprehensive Plan indicates that if the volume of sewage is not of a certain capacity, it is not required to connect to central sewer. The distance to central sewer is far enough away that at this time, they believe that a sewer system connection would not be warranted under the Comprehensive Plan provision. That is another issue to be discussed with the City of Clermont. They will abide by all the requirements of the County Code or the City standards.

Darlene Davis, who lives five acres to the east and across the road from the subject property, said she was not noticed about this request. She questioned what a cell tower has to do with a church. She did not want a cell tower on the property. If churches continue to take all the land, this will no longer be a community. She cannot get out of her driveway on a Friday morning if it is time for parents to take their children to school. She did not feel existing residents are being considered. In his opinion, Mr. Bryan said there would be much less impact from a small church than from another housing community, but Ms. Davis did not agree. She felt there would be fewer people in houses and there would be no church services in the

CASE NO.:	PH#35-06-2	AGENDA NO.:	8
OWNERS:	Ronnie R. Riggs, Robert Allan Foster II, and Deborah R. Lewis	PAGE NO.:	2
APPLICANT:	South Lake Lutheran Church		

evenings.

In response to Larry Metz, Ms. Davis said her property is surrounded by more homes.

Esther Long, who lives at the corner of Hancock Road and Johns Lake Road, said the roads cannot handle all the buses, trucks and other traffic there now. She spoke of the other churches in the area.

When Mr. Bryan asked if a traffic analysis had been done, Mr. Kruse said staff normally does not do that for churches. Ross Pluta of Public Works reviews the cases; and if there is a concern, he will request a traffic analysis. It was not requested for this project.

Paula Duke of Johns Lake Road said all the churches have good intentions in their proposals; but after the rezoning is approved, the number of people and services change. She was concerned that this church would take over the neighborhood.

Mr. Kruse commented that the majority of traffic volumes for churches are during off-peak hours.

Pastor Greg Sahlstrom said they want to be a good neighbor. They are a congregation of 30 people at this time. Their initial plans are to construct a church about the size of a house. Lutherans as a rule gather on Sunday mornings. During Lent and Advent, additional services are held. Bible studies are sometimes held during the week. The nearest church of this kind is 35 miles away. The nearest church that they are somewhat in partnership with is 19 miles away. He is planning on talking to the neighbors in the next week or so to hear any concerns they may have. Regarding the cell phone tower, it would be camouflaged; it would provide some modest revenue enhancement to help a small congregation. He spoke of a cell phone tower in Salt Lake City where his previous congregation was located; it was built into the church building itself and was not visible at all.

Ms. Sahlstrom said the right to assemble for worship is at the very core of the free exercise of religion. Churches and synagogues cannot function without a physical place, adequate for their needs and consistent with their theological requirements. The right to build, buy, or rent such a space is an indispensable adjunct of the core first amendment right to assemble for religious purposes.

Ms. Sahlstrom added that with Citrus Tower Boulevard opening in the next few weeks or months, that will help to alleviate some of the current traffic that Johns Lake Road is handling. If this property were to be developed in the pattern of nearby housing, Southern Pines, which is 2-1/2 to three dwelling units per acre, that would result in ten to 15 homes on this property. This would generate much more traffic than would ever come from this church.

Mr. Kruse clarified that Darlene Davis was on the mailing list for notification.

Mr. Metz was concerned about compatibility with the estate-size homes surrounding the property. Mr. Kruse noted that the aerial Mr. Metz was using is aerial photography taken in 2004. There are more homes in the area. Regarding the placement of churches, they are permissible throughout the County in any future land use designation.

Sanford A. Minkoff, County Attorney, said there are both state and federal statutes regarding religious freedom; in some ways they restrict what can be done with land use approvals and religious institutions. However, they are subject to the same type of compatibility questions as straight rezonings. Staff generally recommends approval of small churches as being consistent with residential uses. This Board has the right to deny a rezoning for a church if it is incompatible with the neighborhood, but there is a heightened review

CASE NO.: PH#35-06-2 **AGENDA NO.:** 8
OWNERS: Ronnie R. Riggs, Robert Allan Foster II,
and Deborah R. Lewis **PAGE NO.:** 3
APPLICANT: South Lake Lutheran Church

level, both in state and federal courts, on religious institutions.

Mr. Metz still had a concern about compatibility with a church and a cell phone tower in the middle of a neighborhood. It would be visibly different from the immediately contiguous property even if the cell phone tower were disguised.

Donald Miller felt the church is more compatible than houses.

When Robert Herndon asked if excluding the cell phone tower at this time would prevent them from adding it in the future, Mr. Kruse said the Board has that option. Mr. Metz said that would remove some of his concerns. The small size of the church also mitigates that concern.

MOTION by Robert Herndon, SECONDED by Larry Metz to recommend approval of CFD zoning in PH#35-06-2 with the exclusion of the cell phone tower.

FOR: Morris, Gardner, Herndon, Bryan, Miller, Metz

AGAINST: None

NOT PRESENT: Blankenship

MOTION CARRIED: 6-0

CASE NO.: PH#16-06-3

AGENDA NO.: 10

OWNERS: Jim Lyden and Don Nicholson
APPLICANT: Craig J. Kosuta

John Kruse, Senior Planner, presented the case and staff recommendation of denial. This request includes 174 acres of the original 282-acre Planned Unit Development (PUD). He pointed out that 400,000 square feet of commercial would trip the Development of Regional Impact (DRI) threshold. Therefore, the County will be asking the applicant to provide a clearance letter from the Department of Community Affairs (DCA) regarding the commercial square footage prior to the Board of County Commissioners (BCC) public hearing. He added that at this intersection, there is a very good possibility that the 400,000 square feet of commercial will be exceeded. He showed the aerial from the staff report on the monitor.

Timothy Morris spoke of some recent rezoning requests across the road. Mr. Kruse said this Board approved one of them (ten acres to the south) with a vote of 6-0 and the other one (30 acres to the north) was approved with a vote of 4-2. The BCC heard both of those cases yesterday and decided to continue them to allow this case to catch up so they could all be heard together.

Robert Herndon asked staff's approach to rezoning cases' impact on schools. Mr. Kruse said planning staff's approach is that if more than five rooftops or two students are added, it would impact the school system. That was discussed at the BCC public hearing yesterday in terms of de minimis impacts. Mr. Morris confirmed with Mr. Kruse that BCC had approved some of the rezoning cases yesterday contingent on concurrency being in place at the time of platting of any residential lots. However, Paul Bryan pointed out that school concurrency has not been defined. Mr. Kruse said that is the reasoning behind the planning staff's approach to impacts to the school system with the BCC making the final decision.

Regarding the office concept that was originally approved in this PUD, Mr. Bryan asked if this was an allowable use under the Employment Center future land use designation. Mr. Kruse replied that there was a Comprehensive Plan amendment done along with the rezoning in 2002.

Craig J. Kosuta of Craig J. Kosuta & Associates, Architects, was present to represent the case. The original plan is now a four-year old plan and concept. The market has changed significantly since then. His clients have undertaken an internal study that has indicated that the proposed changes are on track with the trends in the area. Each of the options proposed would bring the traffic impacts and density and intensity below what is currently approved. The Employment Center future land use designation allows for introduction of residential and commercial uses without a land use change if it is less dense and intense. A seven to ten year build-out period is anticipated. He said his clients are willing to move forward with this amendment with the caveat regarding school concurrency that BCC has been adding to their approvals. Water and sewer are already in place. He noted that they are subject to DRI limitations on this project.

Mr. Bryan pointed out that the staff report states that residential development is not allowed in the Employment Center future land use category. Commercial development is also not allowed in this future land use designation unless it is to support the internal component of that. He asked how the applicant would address that. Mr. Kosuta replied that there is no language as to how much support is needed. If they constructed the maximum number of dwelling units, around 500 dwelling units, that would be within the ballpark of supporting residential for 200,000 to 300,000 square feet of office space even with the commercial mixed in. Mr. Bryan said he would totally disagree with that.

Mr. Bryan asked Mr. Kosuta the existing number of residential units that are allowed in this PUD. Mr. Kosuta said he believed that there are 129 units platted on the northern 75 acres. Mr. Kruse said the language in the current PUD Ordinance did not spell out residential in terms of phasing so platting was done on the northern portion. Mr. Bryan asked if residential is allowed in the 174 acres of this amendment. Under the current PUD, Mr. Kruse said it just states the number of units and the square footage of office and commercial space. Mr. Kosuta said he was not involved in the original PUD; but in that original PUD Ordinance, there was no language as to what goes on within the PUD. It was left open to site

CASE NO.: PH#16-06-3**AGENDA NO.:** 10**OWNERS:** Jim Lyden and Don Nicholson
APPLICANT: Craig J. Kosuta**PAGE NO.:** 2

plan approval. Except for those residential units, there has been no platting of the vacant land at this time.

In response to Mr. Bryan, Mr. Kruse said that the commercial is, to a certain extent, to support the office center. When the original PUD was set up, for every 5,000 square feet of commercial, they had to have 35,000 square feet of office already built. There were mechanisms set up to prevent this development from going strictly commercial or strictly residential. Now the applicant wants to do something that contradicts the Employment Center designation. The applicant could ask to change this Neighborhood Activity Center to a Commercial Activity Center that allows more square footage for commercial. Mr. Bryan asked Mr. Kruse if he had discussed possible Comprehensive Plan amendments with the applicant. Mr. Kruse replied that he thought the Comprehensive Plan amendment was more on the property on the east side. By the time the applicant could file for a Comprehensive Plan amendment, the new Comprehensive Plan will hopefully be adopted.

Mr. Bryan agreed that the demand for office space is not there. Mr. Morris said that is not an issue for this Board. Mr. Bryan felt the issue is what other use could be placed at this location. Otherwise, the existing PUD is going to sit on this property, and nothing is going to happen.

Mr. Kruse said that hopefully with the Comprehensive Plan rewrite, it will be up-to-date on how to address such a situation. One suggestion was to possibly do a small area study to determine if this area could support that kind of commercial and residential. However, that could take three months to complete.

Mr. Morris said he is leaning toward denial at this time. He would like to see an option for the owners of the property, if possible. Mr. Kruse said the applicant has done a market study, but staff has not seen it.

When Mr. Morris asked if the applicant would be agreeable to a six-month continuance to complete a small area study, Mr. Kosuta said he was not in a position to commit to that given the economics of the situation as well as the growth and other properties in the area that are already zoned commercial. The market is rapidly diminishing. This request would give them flexibility to meet market demands now and change with some trends over time within those constraints. In this market, waiting six months could have a serious financial impact. What they have now is not marketable over the next ten years. He said his client is not a developer; his client is in the insurance business and has been in central Florida since 1954. Mr. Kosuta said they have completed their archeology study; it has been filed and accepted by the State. They also have full topographic maps and full tree surveys; a preliminary soil analysis has been done.

In summary, Mr. Bryan said staff has recommended denial. Several members of this Board have some concerns, and a suggestion has been made to continue this in order to do a small area study. The Board appears to understand that the existing zoning probably does not satisfy the market, but the applicant has a timing issue. Mr. Bryan said he was surprised that there was a timing issue since the property was rezoned in 2002. It has taken the owners a fair amount of time to determine that office space was not the market.

In a PUD where conditions can be added and the school report shows that the schools are already critically overcrowded, Larry Metz felt a condition should be added that no building permits shall be pulled until there are adequate student stations to serve the development as determined by the Lake County School Board. The ultimate goal of concurrency is to ensure that student stations are available concurrent with development that is bringing new students into the school system. Senate Bill 360 is being worked on now, which will give more detail on an overall plan for concurrency. Ultimately that will be the governing concurrency management system.

Dawn McDonald, Senior Planner, Lake County Schools, said that whenever they receive a mixed-use development for review, they want to be fair in their assessment but they must look at the maximum allowable units. In looking at the three scenarios provided in their application, the maximum shown in the

CASE NO.: PH#16-06-3**AGENDA NO.: 10****OWNERS: Jim Lyden and Don Nicholson**
APPLICANT: Craig J. Kosuta**PAGE NO.: 3**

application was 483 residential units. She was concerned that the applicant stated at this meeting that the maximum allowable would be 500 units. She questioned how he arrived at that number as it would result in more students for the School System.

Mr. Kruse explained that in mixed unit projects, the applications have been coming in stating ranges rather than specific numbers. In staff sufficiency review, he suggested using the highest number of students that could be generated or the highest number of residential units.

Mr. Metz suggested a 120-day continuance rather than six months since the small area study should only take three months. Mr. Morris said that would be acceptable to him. He did not want to deny this, knowing that it would just sit there, but he was not ready to approve it. However, the applicant did not want a continuance. Mr. Metz pointed out that there are two other cases already in process. They have been continued in order for this case to catch up. If this case is continued, it will cause the other two cases to be continued further.

MOTION by Donald Miller, SECONDED by Robert Herndon to recommend denial of the amendment request to PUD Ordinance #20004-78 in PH#16-06-3.

Mr. Bryan said he would prefer a continuance to a denial.

When Mr. Kosuta asked to have a time limit placed on the continuance, Mr. Bryan said the continuance would be set for a specific time. He said they have conducted a study themselves. He felt there needs to be a mechanism to address a situation where there is a difference between the private sector study and the government study. Mr. Bryan felt staff would be happy to hear his thoughts on the study. Mr. Kosuta added that the BCC has made it clear that they want this case to catch up with the other two cases. This continuance will cause a domino effect.

Mr. Metz said he would support the continuance in order to conduct a small area study. He felt it would allow both this Board and the BCC to make a better decision.

Donald Miller and Robert Herndon withdrew their motion and second for a recommendation of denial.

MOTION by Donald Miller, SECONDED by Robert Herndon to continue PH#16-06-3 until the July 5, 2006 Lake County Zoning Board public hearing in order to conduct a small area study.

FOR: Morris, Gardner, Herndon, Bryan, Miller, Metz

AGAINST: None

NOT PRESENT: Blankenship

MOTION CARRIED: 6-0

CASE NO.: PH#34-06-3

AGENDA NO.: 12

OWNER: Lake County Board of County Commissioners
APPLICANT: Department of Public Safety—Gary Kaiser

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of approval with conditions. He showed the aerial and a picture of the posting from the staff report on the monitor. When Donald Miller asked if this was a lowland area, Mr. Hartenstein said this is in the middle of a burned out orange grove.

There was no opposition in the audience.

MOTION by Timothy Morris, SECONDED by Donald Miller to recommend approval of CFD zoning in PH#34-06-3

FOR: Morris, Gardner, Herndon, Bryan, Miller, Metz

AGAINST: None

NOT PRESENT: Blankenship

MOTION CARRIED: 6-0

CASE NO.: PH#21-06-5

AGENDA NO.: 14

OWNERS: Donald J. Fornace

APPLICANT: Manhar K. Jadav, P. E.

Rick Hartenstein, Senior Planner, presented the case and staff recommendation of denial. He showed the aerial and a picture of the posting from the staff report on the monitor. He submitted a conceptual plan as County Exhibit A. Mr. Hartenstein said staff could support this request except for the school issue.

Manhar Jadav, consulting engineer, was present to represent the case. He said all issues for this request have been addressed. It is a viable project, and he asked for their approval.

When Paul Bryan pointed out that staff has recommended denial of this project, based on lack of capacity in this school district. Mr. Jadav said impact fees would be coming in from this project to build schools.

Lisa Watts, owner of a parcel at the southwest corner of the subject property, was concerned that the 59 dwelling units will generate about 120 vehicles. She said she was before this Board previously regarding this piece of property. She questioned where this project would access SR 40. SR 40 is already congested and has no traffic light for 15 to 17 miles except for the drawbridge. Mr. Bryan said he would not consider SR 40 congested. Ms. Watts said there are many houses being built in the area.

When Mr. Bryan asked if staff had considered the traffic impact to SR 40, Mr. Hartenstein said this is a State road so the applicant will need to go through Florida Department of Transportation (FDOT) review. An FDOT permit for access onto SR 40 will be required. FDOT will be reviewing it for level of service standards and capacity issues; FDOT may require an additional turn lane. Based on a conversation with Ross Pluta of Public Works, Mr. Hartenstein said SR 40 is considerably under capacity for the level of service standards that FDOT has designated. He did not feel this project would have a major impact on SR 40. Staff did not have a problem with this Board adding a condition regarding school concurrency if it should decide to recommend approval.

Larry Metz noted that there was no school report included with the staff report. Dawn McDonald of Lake County Schools said the report stated that Spring Creek Elementary School would be seven percent under capacity, Umatilla Middle School would be ten percent overcapacity, and Umatilla High School would be six percent overcapacity. The student generation for 59 units would be 24 students, 11 students in elementary school, six students in middle school, and seven students in high school.

Mr. Bryan said he could support the request since the overcapacity is modest and there are few proposed developments in the area.

MOTION by James Gardner, SECONDED by Timothy Morris to recommend approval of PUD zoning in PH#21-06-5

Ms. McDonald said Umatilla High School was one of the improvement projects Lake County Schools had in mind when the class size reduction came into effect. Mr. Bryan confirmed with Ms. McDonald that when Umatilla High School was remodeled, there was very little if any increase in student stations. Mr. Metz explained that the one-cent sales tax referendum required that the one-third portion for the School Board must be used to renovate those schools that were degraded to provide equity in all the facilities. He added that an addition for Umatilla Middle School is in the capital plan for 2010. Ms. McDonald said that would increase the study capacity at that school by 186 students. She pointed out that the School Board had no control over class size reduction.

In defense of the motion, James Gardner said that if this request had come before this Board six or eight months ago, it would have been approved. There has been a change in policy concerning schools. He said the Board is continuously being told that the schools are overcapacity; but this Board is never given capacity figures in which portable classrooms are taken into account.

CASE NO.: PH#21-06-5**AGENDA NO.: 14****OWNERS: Donald J. Fornace****PAGE NO.: 2****APPLICANT: Manhar K. Jadav, P. E.**

Robert Herndon confirmed that the capacity figures are based upon core facilities. Mr. Metz explained that core facilities such as cafeterias are what drive permanent students stations. Portable classrooms can be added to a school as long as there is physical space on which to place them, but there would not be enough core facilities to sustain the student population. Mr. Hartenstein submitted the Growth Impact Report as County Exhibit B and showed it on the monitor. Ms. McDonald discussed the report.

In response to Mr. Bryan, Ms. McDonald said a new high school is not planned for this area.

Mr. Gardner asked Ms. McDonald if it would be possible to provide capacity figures incorporating the use of the portables along with the standard permanent student stations. Ms. McDonald stated that it is the School Board's opinion that portables (relocatables) are not permanent student stations and, therefore, are not included in their calculations.

FOR: Morris, Gardner, Herndon, Bryan, Miller, Metz**AGAINST: None****NOT PRESENT: Blankenship****MOTION CARRIED: 6-0**

When new schools are built, Mr. Morris asked if there was any way the cafeteria size could be increased, knowing that there would be growth in the future. Mr. Metz thought that may be possible within limits, but there could be other factors involved. However, he personally would be in favor of initially building the cafeteria larger rather than adding onto it later.

Discussion of New Procedures for Public Hearings

Carol Stricklin, Director, Department of Growth Management, distributed a speaker request form and a sheet listing public hearing procedures for rezonings. Similar procedures were implemented at the Board of County Commissioners (BCC) public hearing, and they worked well although it may take some time for people to be comfortable with these new procedures. The first change is the consent agenda, which was adopted at the public hearing today. She explained how cases are placed on the consent agenda or how they can be removed. She discussed the purpose of the speaker request form. This would allow people to submit the forms in advance so staff can gauge the purpose of the persons wanting to speak.

In response to Timothy Morris, Ms. Stricklin said it would not be necessary to put these procedures in the Land Development Regulations (LDRs).

When Robert Herndon commented that some applicants' presentations contain quite sophisticated scientific information and could require more than 20 minutes, Ms. Stricklin said the chairman has the discretion to extend or reduce the time. James Gardner asked if the forms will be submitted before the meetings start or as each case is heard, Ms. Stricklin said people will be asked to submit the forms as they arrive so the forms can be given to the chairman as each case is heard. If during the case, a person decides he or she wants to speak, that could be done with the speaker card being filled out later. Donald Miller suggested adding language on the notice card regarding this speaker form. Sanford A. Minkoff, County Attorney, stated that there will be one change to that since County policy allows people with standing who have filed a notice of appearance to come in as a party. If they do, they will be allowed the same 20 minutes as the applicant is allowed.

Paul Bryan said these procedures are similar to what is currently being done, with some limitations on speaker time and the speaker request form. Mr. Bryan asked about the procedure when additional information is needed from the applicant during the meeting. Ms. Stricklin said the purpose of this change is to better separate the Board's discussion from the public hearing portion of the meeting.

Regarding the timeframes for speaking, Ms. Stricklin informed Mr. Metz that the BCC would be using the same timeframes.

The Zoning Board liked the new procedures and agreed to implement them at the next Zoning Board public hearing.

In response to Mr. Herndon, Ms. Stricklin said a list of these procedures will be put on the table in the BCC Chambers, and a staff member will be available for questions and assistance. Mr. Bryan was informed by Ms. Stricklin that there is a short script that announces to the public about these new procedures. Ms. Stricklin said she would take care of that at the public hearings.

Adjournment

There being no further business, the meeting was adjourned at 12:25 p.m.

Respectfully submitted,

Sherie Ross
Public Hearing Coordinator

Paul Bryan
Chairman